



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 7, 1998

Ms. Suzanne Schwartz
General Counsel
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

OR98-1599

Dear Ms. Schwartz:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116698.

The Texas Water Development Board (the "board") received an open records request for, among other things, all documents relating to a particular bond election and certain bonds then issued by a water district. You have submitted eight documents to this office containing information that you seek to withhold from the requestor pursuant to section 552.107(1) of the Government Code.

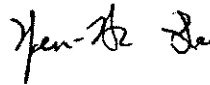
Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and confidential attorney-client communications. *See* Open Records Decision No. 574 (1990). After reviewing the records at issue, we generally agree that the information you seek to withhold constitutes an attorney's legal advice that may be withheld from the public pursuant to section 552.107(1).

We conclude, however, that only a portion of Document #8 is excepted from public disclosure under section 552.107(1). We have marked this document accordingly. The board must release the remainder of this document to the requestor.¹

¹Please note that section 552.107(1) does not except work product from required public disclosure. To withhold information as work product, a governmental body must demonstrate how the information meets the test established under *National Tank v. Brotherton*, 851 S.W.2d 193, 200 (Tex. 1993). *See generally* Open Records Decision No. 647 (1996) (withholding attorney work product under sections 552.103 and 552.111).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/nc

Ref.: ID# 116698

Enclosures: Submitted documents

cc: Mr. David P. Kallus
Assistant District Attorney
Cameron County Courthouse
974 E. Harrison Street
Brownsville, Texas 78520
(w/o enclosures)